

Case Number: \_\_\_\_\_

**CITY OF MIDLAND**  
**Transportation Division**

**APPLICATION TO VACATE RIGHT-OF-WAY**

**I.** Application is hereby made to the City Council to vacate the following public right-of-way or easement:

\_\_\_\_\_  
\_\_\_\_\_

**II.** Reason for Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**III.** Reasons, in applicant's opinion, why the requested vacation will not adversely affect the public welfare or will contribute to it in a positive way:

\_\_\_\_\_  
\_\_\_\_\_

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**IV. REQUIRED ITEMS:**

1. Applicant(s) Information: (Attach extra sheets as necessary.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Street

City

State

Zip Code

2. Metes and bounds description of property to be vacated including total square feet of vacation.

3. Map showing:

- Property to be vacated and its relationship to the applicant's property
- Lot and block numbers of all adjacent tracts
- Current zoning of all adjacent tracts

4. Letter(s) of Concurrence signed by adjacent property owner(s). (See attached)

5. Application Fee: **\$300.00**

Required items attached? Date Received: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_

***The City of Midland will take no action on this request, until items 1-5 are received.***

**V.** Clearance is needed from the following utility companies: City of Midland / Atmos Energy

Caprock Energy / Oncor Electric / AT&T / Suddenlink Cable TV Co. / Grande Communications

The City will route the request to these companies, but it is the applicant's responsibility to ensure clearance has been obtained and to work out any issues that may arise.

## VI. Policies:

1. If the vacation request involves only a portion of a section right-of-way, such that approval would not affect the public's ability to travel along said right-of-way, then the request will be scheduled for consideration by the City Council. No public hearing will be needed.
2. If the vacation request involves an entire section of right-of-way, such that approval would cause the public to lose all rights to use it, then the following procedures apply:
  - a. Nearby land owners who have a reasonable expectation to use said right-of-way, as determined by the Transportation Division, must first agree to the proposed vacation. It is the applicant's responsibility to obtain a letter of concurrence signed by the affected landowners.
  - b. If all letters are received indicating that the affected landowners agree to the request, then a public hearing before the City Council will be scheduled. The Transportation Division will mail public notice of the hearing to landowners within 1,000 feet of the affected right-of-way.
  - c. If a request is approved, the right-of-way shall be divided into two equal parts, with each half becoming the property of the respective abutting owner. If the applicant desires to own the entire width, he or she must negotiate with the opposite landowner.

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\*Application will not be considered for scheduling until all required items are reviewed by City Staff.\*\***

FOR OFFICE USE ONLY	
Rec'd. By: _____	Date: _____
Assigned: _____	
For: _____	On: _____